



Appeal Decision

Site visit made on 26 April 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal A Ref: APP/Q5300/W/22/3308893

Pavement outside 33 London Road, Enfield, EN2 6DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Johnston (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02514/FUL dated 18 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is the installation of a multi-functional Communication Hub.
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Appeal B Ref: APP/Q5300/H/22/3308894

Pavement outside 33 London Road, Enfield, EN2 6DR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02515/ADV dated 18 July 2022, was refused by notice dated 20 September 2022.
 - The advertisement proposed is the installation of a static illuminated content LCD portrait screen to community hub.
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Decisions

1. Appeal A is allowed and planning permission is granted for the installation of a multi-functional Communication Hub at pavement outside 33 London Road, Enfield, EN2 6DR in accordance with the terms of the application, Ref 22/02514/FUL, dated 18 July 2022, subject to the conditions set out in Schedule 1 to this decision.
2. Appeal B is allowed and express consent is granted for the installation of a static illuminated content LCD portrait screen to community hub. The consent is for five years from the date of this decision and is subject to the five Standard Conditions set out in Schedule 2 of the Regulations and the additional conditions set out in Schedule 2 to this decision.

Preliminary Matters

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the communications hub and advertisement are linked, I have dealt with them together to avoid duplication. For both appeals, I have taken the descriptions of development from the Decision Notices as these are more accurate than the descriptions provided on the Application Forms.
4. I have been mindful of the duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, when determining

proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In advertisement appeals this is only insofar as it relates to amenity.

5. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.

Main Issue

6. The main issue is the effect of the proposals on the character and appearance and visual amenity of the area, having regard to conservation area.

Reasons

7. No. 33 London Road is a 4-storey building at the junction of London Road and Cecil Road in the Enfield Town Centre Conservation Area (the CA). The site is a section of pavement outside the Cecil Road elevation of the building. While the wider CA has a market town character, the immediate section of Cecil Road is notably distinct, defined by modern, commercial development including a car park and footbridge. It has a wide footpath with a range of street furniture, including bus shelters, street signs and the current glazed telephone kiosk at the site. Given the nature of the immediate surrounds, both No. 33 London Road and the appeal site make limited contributions to the significance of the CA.
8. The proposed communications hub would replace the existing kiosk at the site. It would incorporate a telephone, defibrillator, solar panel and illuminated touch screen on one side and an illuminated advertisement panel showing a series of static images on the other. It would be narrow in depth and, compared to the three-sided design of the current kiosk, would retain a greater useable area of the footpath.
9. While the hub would be a more notable addition to the streetscene than the current glazed structure due to its modern design, this would nevertheless respect the primary character of the immediate surrounding area. It would assimilate with the range of street furniture present, ensuring it would not read as incongruous or dominant, with adequate separation from other built form or surrounding structures to ensure it does not lead to visual clutter.
10. The proposed advertisement would highlight the presence of the communications hub in the streetscene. However, although such advertisements are not a common feature in the vicinity of the site, given the contemporary and commercial nature of this section of Cecil Road it would not appear out of place or create a sense of clutter. Its illumination and rate of image change would be controlled, and all advertisements would be static. This would ensure that the advertisement would not detract from the immediate surrounding character.
11. With regard to Appeal A, for the reasons given the hub would not cause visual harm to the site itself or to the contribution it makes to the surrounding character and appearance. Accordingly, it would have a neutral effect on the CA, preserving the character and appearance. As such, it would comply with Policies D8 and HC1 of the London Plan (2021), Policies CP30 and CP31 of the Enfield Core Strategy (2010), Policies DMD37, DMD41 and DMD44 of the Enfield Development Management Document (2014) and the provisions of the National Planning Policy Framework

insofar as they seek to ensure good design that is related to local context and conserves the significance of heritage assets and their settings.

12. With regard to Appeal B, for the reasons given, the advertisement would not unduly harm the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would comply with those policies referred to above in this respect

Other Matters

13. The Council's refusal also refers to the setting of nearby listed buildings. However, the Council's questionnaire confirms that the proposal would not affect the setting of a listed building, the Officer's Report is clear that the site does not contain a listed building, and no listed buildings have been referred to by either party's submissions. In any event, the distinctly modern and commercial character of the immediate area would form the setting of any nearby listed building such that this setting would not be harmed by the addition of the proposals at the site.
14. Reference has been made to other previous applications for similar developments that were refused planning permission. However, I have limited information before me on the precise nature of these applications. In any event, each scheme is decided on its own merits, and reference to previous applications carries limited weight.

Conditions

15. I have had regard to the conditions suggested by the Council and the appellant, which I have considered against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. In the interests of certainty it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans, including the management plan.
16. With regard to the advertisement consent, the conditions set out in the attached schedule are in addition to the five standard conditions set out at Schedule 2 of the Regulations. These standard conditions are not repeated in the schedules. I have attached conditions requiring relating to levels illuminance in the interests of visual amenity. In addition conditions are necessary in relation to the advertisement containing no visual effects, having a minimum display time of 10 seconds, and any change in image being instantaneous in the interests of both visual amenity and highway safety. While it has been suggested that a management plan will be agreed with the Council and Police Service prior to the first display of the advertisement, I note that such a plan has been submitted and have attached a condition that the provisions of this plan are adhered to.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, Appeal A and Appeal B are allowed subject to the conditions set out in Schedules 1 and 2 of this decision, respectively.

C Rafferty

INSPECTOR

SCHEDULE 1

SCHEDULE OF CONDITIONS APPEAL A

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Enfield Council Communications Hub Proposal Site 3 Pavement outside 33 London Road, Enfield, EN2 6DR Site Plan and Images A01964.
3. The development hereby approved shall be maintained in accordance with the measures detailed in the Communication Hub Unit Management Plan (October 2020).

END OF SCHEDULE

SCHEDULE 2

SCHEDULE OF CONDITIONS APPEAL B

The following conditions are attached to this consent, in addition to the five standard conditions set out in the Regulations, which are not repeated in this schedule.

1. The development hereby approved shall be maintained in accordance with the measures detailed in the Communication Hub Unit Management Plan (October 2020).
2. No visual effects of any kind are permitted to accompany the transition between any two successive messages. The replacement image shall not incorporate any fading, swiping or other animated transitional method.
3. The minimum time between successive displayed images shall be 10 seconds.
4. The intensity of the illuminance of the advertisement shall be no greater than 600 Cdm² during hours of darkness.

END OF SCHEDULE